

## **Remarks**

The present Amendment is submitted in response to the Office Action dated July 10, 2008, which set a three-month period for response.

Reconsideration and allowance of the application in view of the amendments above and the following remarks is respectfully requested.

In the Office Action, claims 1-6 are rejected under 35 USC §102(b) as anticipated by US Patent No. 4,311,936 to Ozaki, et al. (Ozaki).

In response to the objection to the drawings at paragraph 1 of the Office Action, applicants have cancelled claim 6, without prejudice or disclaimer of the subject matter contained therein. In response to the objection to the drawings at paragraph 2 of the Office Action, applicants have amended each of the drawing figures to identify the magnified portions as separate drawing figures as shown in Replacement Sheets 1-4. Fig. 1 is now identified as Fig. 1a, and the magnified portion as Fig. 1b. Figs. 2a through 2e are now identified as Figs. 2a-1 through 2e-1, and the magnified portions identified as corresponding Figs. 2a-2 through 2e-2, respectively. Fig. 3 is now identified as Fig. 3a, and the magnified portion as Fig. 3b. The Specification is also amended as shown above to reflect the drawing amendments. Accordingly, applicants respectfully request withdrawal of the drawing objections.

In response to the objection to the Abstract of the Disclosure, applicants present an amended replacement Abstract as set forth above, which is believed to conform to the Rules. As such, applicants respectfully request withdrawal of

the objection to the Abstract of the Disclosure.

In response to the objection to claim 1 and 2, these claims are amended as shown above and applicants respectfully request withdrawal of the objections. After amendment hereby, claims 1-5 are pending, where claim 1 is the independent claim.

Turning now to the substantive rejection of the claims, applicants respectfully submit that Ozaki does not anticipate any of pending claims 1-5 for at least the following reasons.

Applicants' amended independent claim 1 calls out an electric motor comprising a holder (6) for at least two carbon brushes (5), which by means of a spring force (7) are pressed in a radial direction against a jacket face of a cylindrical collector (4) fixed to an armature shaft (2) of the motor, and a pivot bearing (3) that holds the armature shaft (2), characterized in that the holder (6) can be pulled off together with the carbon brushes (5) from the collector (4) in the axial direction of the armature shaft (2); and that covering means (11, 12) for covering the pivot bearing (3) to protect it against entry of dirt are disposed on a side of the covering means (11, 12) facing the holder (6) for the carbon brushes (5), provided with one or more chamfers (14, 15) in such a way that the carbon brushes (5) slide over the covering means (11, 12) as the holder (6) is being pulled off and that the carbon brushes (5) thereby are thrust radially outward counter to the spring force (7).

The invention as claimed overcomes the shortcomings of the prior art. Despite means that protect the pivot bearing against the entry of dirt (such as material abraded from the carbon brushes, or drillings), the invention makes simple removal of the holder with the carbon brushes possible, e.g., at a time when replacement of the carbon brushes is necessary.

Ozaki, as distinguished, discloses an electrical motor with a holder (16), a spring (21), a collector (20) and a pivot bearing (12). While the Examiner asserts that Ozaki discloses means to protect against entry of dirt (the element pointed to by the larger arrow to the left of reproduced Fig. 3 of Ozaki), applicants respectfully disagree. The element pointed to by the large arrow in Fig. 3 as reproduced in the Office Action is structural, and rounded ( see the upper small arrow), and is not chamfered as claimed.

Furthermore, Ozaki does not disclose pulling off carbon brushes (19) in an axial direction of shaft (13) towards the structural element (pointed to by the large arrow), but by removing the brush cap (24). For that matter, even if the carbon brushes (19) were able to slide towards the structural element (pointed to by the large arrow), they would cant between the structural element and the collector (20) due to the force from spring (21). Hence, it is not possible to pull off the carbon brushes in the axial direction of the armature shaft via the pivot bearing.

Ozaki does not disclose a holder that can be pulled off together with the carbon brushes from the collector in the axial direction of an armature shaft and

covering means for covering the pivot bearing to protect it against entry of dirt disposed on a side of the covering means facing the holder for the carbon brushes, provided with one or more chamfers in such a way that the carbon brushes slide over the covering means as the holder is being pulled off and that the carbon brushes thereby are thrust radially outward counter to the spring force. Because independent claim 1 recites these limitations, which Ozaki does not, Ozaki does not anticipate independent claim 1.

Applicant further respectfully asserts that Ozaki is not a proper reference under 35 USC §102 pursuant to the guidelines set forth in the last paragraph of MPEP §2131, where it is stated that “a claim is anticipated only if each and every element as set forth in the claims is not found, either expressly or inherently described, in a single prior art reference,” and that “the identical invention must be shown in as complete detail as is contained in the ... claim.”

Claim 1 is therefore patentable under 35 USC §102 over Ozaki. Claims 2-4 depend from claim 1, and are patentable therewith for at least these reasons.

Applicant, therefore, respectfully requests withdrawal of the rejection under 35 USC §102(b) in view of Ozaki, and the allowance of each of pending claims 1-5.

Accordingly, the application as amended is believed to be in condition for allowance. Action to this end is courteously solicited. However, should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim

language that will place the application in condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'MJS', written over the printed name.

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